

Amendments to the drawings:

The attached sheets of drawings include changes to Figure 1, Figure 2A, and Figure 2B. These sheets, which include Figure 1, Figure 2A, and Figure 2B, replace the original sheets including Figure 1, Figure 2A, and Figure 2B.

Attachment: Replacement sheets (3)
Annotated sheets showing changes (3)

REMARKS/ARGUMENTS

Claims 1-15 are pending in the present application. No claims were canceled, amended, or added. Reconsideration of the claims is respectfully requested.

I. Objection to the Drawings

In response to the examiner's objection to the drawings, applicants have made proposed amendments to the drawings. Reference numerals 10 and 32 have been added to Figure 1 to show system 10 and Internet 32. Additionally, Figure 2A has been amended to include step 248. Replacement sheets as well as sheets containing markups to identify these amendments have been submitted for the examiner's review. Thus, the objection to the drawings has been overcome with these changes.

II. 35 U.S.C. § 103, Obviousness

The examiner has rejected claims 1, 2, 4, 5, 6, 8, 10, 11, 12, and 14 under 35 U.S.C. § 103 as being unpatentable over *Johnson, Method, System, and Program for Maintaining Data in Distributed Caches*, U.S. Patent No. 6,973,546, (December 6, 2005), (hereinafter "*Johnson*"), in combination with *Holcomb, Virtual File System for Dynamically-Generated Web Pages*, U.S. Patent No. 6,697,795, (February 24, 2004), (hereinafter "*Holcomb*"). This rejection is respectfully traversed.

In response to the examiner's rejection of the claims using *Johnson*, United States Patent 6,973,546 in combination with other references, these rejections are moot. Specifically, *Johnson* falls under the exception under 35 U.S.C § 103(c) and is disqualified from being used in rejecting the claims. More specifically, *Johnson* is being used in an obviousness rejection in combination with one or more other references with respect to these claims. *Johnson* can only qualify as prior art under one or more of subsections (c), (f), and (g) of § 102. Based on the filing date and publication date of *Johnson* and the filing date of the present invention, *Johnson* appears to qualify only under subsection (c). Further, *Johnson* and the present invention are commonly owned. *Johnson* is assigned to International Business Machines Corporation as identified in the publication. The present invention is assigned to the same assigning as can be found in the following reel/frame number: 014915/0430. Therefore, the rejection of claims 1-6, 8, 1-12, and 14 under 35 U.S.C. § 103 has been overcome.

The examiner has also rejected claims 3, 7, 9, 13, and 15 under 35 U.S.C. 103(a) as being unpatentable over *Johnson* and *Holcomb* as applied to claims 1, 5, and 11 above, and further in view of *Ferguson et al., System and Method for Upgrading Software in a Distributed Computer System*, U.S. Patent No. 7,206,852, (April 17, 2007), (hereinafter "*Ferguson*").

The rejection of these claims are moot for the same reasons stated above with respect to claims 1, 2, 4, 5, 6, 8, 10, 11, 12, and 14. *Johnson* cannot be used as a reference to reject these claims. Therefore, the rejection of claims 3, 7, 9, 13, and 15 under 25 U.S.C. § 103 have been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over *Johnson* and *Holcomb* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 20, 2007

Respectfully submitted,

/Duke W. Yee/

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